

**[WCOA-Judges-Office-Contacts \(pa.gov\)](http://wcoa-judges-office-contacts.pa.gov)**

**JUDGE'S PROCEDURAL RULES AND POLICIES**

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

**HEARING PROCEDURES**

**1. What is the first event and what will occur?**

The first event in all cases will be a pre-trial hearing/supersedeas. All petitions will be allotted 15 minutes for the discussion of evidence to be presented and the manner in which it will be done. In person hearings will be the preferred method of testimony in all contested cases, however, discovery depositions and virtual hearings with video can be requested and may be permitted for good cause.

**a. List any documents required at the first event:**

First hearing submissions are required in accordance with Rules 131.52(d) and 131.53(a) of the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges, 34 Pa. Code Ch. 131. Evidence for Supersedeas should be uploaded as an exhibit prior to the hearing.

**b. Should documents be uploaded as Exhibits or Letters to the Judge?**

Any evidence to be considered for Supersedeas must be uploaded as an exhibit. The first hearing filing and any other correspondence shall be uploaded as a Letter to the Judge.

**2. Describe the format of your hearings (e.g., serial, one day – one trial).**

In general, a serial hearing format is used. Most cases require only one evidentiary hearing. The structure of the hearings can be modified to meet the needs of the parties in reaching a prompt resolution.

**3. Are you willing to change the hearing format upon request?**

Yes, see above.

**4. What factors will you consider in deciding whether to conduct a hearing in-person?**

Generally, I prefer all testimony where credibility is an issue to be completed in person with the exception of vocational and medical expert testimony which can be completed by deposition. I will consider the medical needs of a witness, party or counsel and will entertain requests for testimony to be taken live via video in the virtual format where circumstances dictate.

**5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?**

Generally, I prefer all virtual hearings to be conducted with both audio and video.

**6. What procedure do you follow if a party fails to appear at a hearing?**

If a party fails to appear at the first hearing, they will have ten (10) days from the date of the hearing to provide this office with a written reasonable explanation for the failure to appear, which will be made part of the record, and they will be allowed to present evidence with respect to their failure to appear. If the moving party fails to appear at the first hearing and fails to provide this office with a reasonable basis for the failure to appear in writing within the ten (10) days, the petition will be dismissed. If the responding party fails to appear at the first hearing and fails to provide this office with a reasonable basis for the failure to appear in writing within ten (10) days, it will be deemed that the responding party does not oppose the relief sought in the petition and the petition will be decided based upon the evidence presented by the moving party.

**7. Do you have special procedures for psychological injury cases?**

No.

**SUPERSEDEAS PROCEDURES**

**1. What are your procedures for supersedeas hearings?**

**a. Will testimony be heard?**

No. An affidavit from the claimant is preferred and will be considered for purposes of supersedeas only. I will not generally allow additional time to submit supersedeas exhibits and would only reconsider a supersedeas ruling in extreme circumstances. In order for claimant's counsel to obtain interim fee approval, the fee agreement must be uploaded with an affidavit from the Claimant confirming their understanding of the fee agreement and specifically, their understanding that the attorney fee could be deducted should supersedeas be denied.

**b. Is additional time generally granted to obtain medical evidence?**

No. Special exceptions or requests for additional time to submit medical evidence will be considered on a case by case basis.

**c. Under what circumstances will you reconsider a supersedeas order?**

Special requests for reconsideration will be addressed on a case by cases basis. The parties may request a hearing for reconsideration or submit a Motion for Reconsideration with proper service to opposing counsel.

**d. Do you generally use written orders for denials?**

Yes.

**e. What is required for employee's counsel to obtain interim fee approval?**

See above. Should a fee be requested on medical benefits, specific language of same must be included and Claimant's affidavit must confirm their acceptance of any risk they may assume for payment of medical bills.

**f. Describe any other procedures for supersedeas hearings:**

None.

**g. Describe procedures for special supersedeas hearings, if different:**

None.

**WITNESSES/EXHIBITS**

**1. What are your rules regarding taking testimony?**

Testimony where credibility is at issue shall be conducted in person absent circumstances as described previously.

**2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?**

See above.

**3. Under what circumstances will you change your requirements for presentation of testimony?**

I understand that each individual's comfort level with in person hearings can change and am willing to discuss the presentation of testimony on a case by cases basis.

**4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require?**

Witnesses must be identified during a previous hearing, in a 45 Day Filing or via a written request to present witness testimony at least 45 days prior to the hearing. If proper notice is given to the adverse party with no objection and time permits, consideration of additional witness testimony will be given.

**5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?**

The moving party is expected to proceed with the presentation of their evidence first, and must complete the submission of all their evidence within 90 days of the first hearing. The responding party is then allowed 90 days from the completion of the moving party's evidence to present their own evidence. If cross petitions are filed, the party filing the first petition will generally be considered the moving party for purposes of the foregoing, however, in the event of a Petition to Review the Description of Injury filed after Defendant's Petition, we will discuss the order of litigation at the first hearing and make the determination on a case by case basis.

**6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?**

It is helpful if the parties upload, however, I will also admit them electronically as Judge exhibits.

**7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before. If before, how far in advance of the hearing must they be uploaded? It is preferred that the parties upload exhibits at least 48 hours before the hearing.**

**8. When will you rule on objections to exhibits?**

The exhibits will be discussed at hearing and rulings made at that time. Any exhibit uploaded after the hearing and not previously discussed at hearing, must first be moved into evidence by the submitting party. Any objections to said exhibits will be handled on a case by case basis upon receipt of the written objection to said exhibit.

**9. What is your procedure for handling discovery disputes?**

If there is a discovery dispute, each party shall submit their respective position in writing. If I am unable to rule upon same based upon the information provided, I will conduct a telephone conference with the parties. There are few circumstances requiring me to attend a deposition and would generally not consent to same. However, I would

be available for conference call should a discovery dispute arise during the course of a deposition during normal business hours.

**10. What is the last day to file written preservations of deposition objections?**

Parties may file their preservation of objections up to the close of the record.

**COMPROMISE & RELEASES (C&Rs)**

**1. Describe your procedures regarding the review of C&R Agreements:**

It is preferred that the C&R hearing be conducted in person in which case the documents may be handed up at the hearing. However, I am willing to conduct a C&R hearing virtually if Claimant can participate with both audio and video. If the hearing is to be conducted virtually, the parties must upload redacted and unredacted versions of the Agreement and Act 109 Documents into WCAIS at least 36 hours in advance of the hearing. Failure to do so could result in the hearing being rescheduled.

**a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?**

Amendments are acceptable.

**b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?**

See above.

**c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?**

Before.

**d. Should child support documents be uploaded as a separate exhibit?**

A separate exhibit is not required.

**e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?**

For virtual hearings, the confidential information should be redacted on one version, but not on the unredacted version. For in person hearings, my office will redact the confidential information.

**f. Will you sign bench orders?**

I will only sign Bench Orders if the Defendant has the settlement check to hand to the Claimant at the hearing.

**g. Describe any other procedures you have for C&R Agreements:**

None.

**STIPULATIONS RESOLVING DISPUTES**

**1. What are your usual procedures regarding the submission, review, and adoption of stipulations?**

Stipulations will be reviewed upon submission at hearings or via WCAIS and if said stipulation does, in fact, resolve all pending issues, I will approve same. If issues remain outstanding, a phone conference may be scheduled to address said issues.

**2. Should the fee agreement be part of the stipulation or separate exhibit?**

Separate Exhibit.

**3. Should child support documents be uploaded as a separate exhibit?**

Separate Exhibit.

**4. What other exhibits should be uploaded (i.e. medical bills, etc.)?**

If medical bills or other documents are germane to the terms of the stipulation, they should be uploaded as part of the stipulation.

**5. Should other exhibits be uploaded as part of the stipulation or as separate exhibits?**

See above.

**6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?**

The social security numbers should be redacted prior to them being uploaded.

**7. Describe any other procedures you have for stipulations:**

None.

**BRIEFS AND PROPOSED FINDINGS**

**1. Will you close a case via WCAIS submission or is a final hearing required?**

I will close the case via WCAIS when warranted.

**2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?**

The briefing schedule provides for Proposed Findings of Fact, Conclusions of Law and briefs to be submitted concurrently within 30 days. The parties are notified either from the bench or in writing of the scheduling of briefs and Proposed Findings. Should counsel fail to file briefs and Proposed Findings and also fail to successfully request an extension of time, the matter may be decided at any time after the filing date for briefs and Proposed Findings.

**3. Describe any preferences regarding the format and content of final submissions:**

Briefs should contain a statement of the case, a summary of the evidence presented, a statement of the issues, a discussion of the law, and a conclusion. Proposed findings of fact and conclusions of law should be just that and not merely contain a summary of the evidence. If a party chooses to submit only proposed findings of fact and conclusions of law, without a supporting brief, it should contain a discussion section, in addition to the proposed findings of fact and the proposed conclusions of law.

## **MANDATORY MEDIATIONS**

**1. List the offices where you conduct mandatory mediations:**

Allentown.

**2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?**

I will consider the preference of the parties as well as any health and safety concerns of the participants.

**3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?**

I would prefer the virtual mediations be conducted with both audio and video, but do understand the technical limitations that sometimes arise.

**4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?**

No. If there are extenuating circumstances, they will be discussed on a case by case basis.

**5. Do you require a Mediation Statement? Yes. If yes:**

**a. What information do you require in that Statement?**

I would expect the parties to advise of the status of the current litigation, a synopsis of past/relevant litigation, the wage information, status of any third party litigation, any potential social security or Medicare issues, any potential lien issues, the status of any unpaid medical bills, and finally the strengths and weaknesses of their respective cases.

**b. What documents, if any, must accompany the Statement?**

Other documents need not accompany the statement, however, the parties should be prepared to provide/review any germane documents at the mediation, such as the IME report or recent medical records.

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

72 hours.

**6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes. If so, how long until it is rescheduled? The parties will be provided available dates but there is not a set time.**

**7. Are you willing to conduct more than one mandatory mediation session per Dispute?**

Yes.

**8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

48 hours.

**9. What else should the parties know or do before the mediation?**

It is helpful if the parties have started negotiations and exchanged at least one settlement demand and offer. The adjuster and/or supervisor must be available for the mediations.

**VOLUNTARY MEDIATIONS**

**1. Do you conduct Voluntary Mediations?**

Yes.

**2. How should the parties request a Voluntary Mediation?**

Contact my assistant, Tracey Hudak, at [trhudak@pa.gov](mailto:trhudak@pa.gov) for availability.

**3. List the locations where you conduct in-person voluntary mediations:**

Allentown.

**4. Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?**

Yes. I will conduct voluntary mediations for any WCOA District.

**5. Do you mediate Disputes assigned to you for hearing and decision?**

Yes, but only in limited circumstances with additional discussion and waivers of the parties.

**6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:**

Yes. There are no special procedures but the unrepresented party must be acutely aware that I am not representing their interests.

**7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?**

I will consider the preference of the parties as well as any health and safety concerns of the participants.

**8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?**

I would prefer the virtual mediations be conducted with both audio and video, but do understand the technical limitations that sometimes arise.

**9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?**

No. If there are extenuating circumstances, they will be discussed on a case by case basis.

**10. Do you require a Mediation Statement? Yes, see Mandatory Mediation response #5. If yes:**

**a. What information do you require in that Statement?**

Yes, see Mandatory Mediation response #5.

**b. What documents, if any, must accompany the Statement?**

Yes, see Mandatory Mediation response #5.

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

Yes, see Mandatory Mediation response #5.

**11. After you approve a Voluntary Mediation Request, how long until it is scheduled?**

Yes, see Mandatory Mediation response #6.

**12. Are you willing to conduct more than one voluntary mediation session per Dispute?**

Yes.

**13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?**

The mediating Judge.

**14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

24 hours.

**15. What else should the parties know or do before the mediation?**

It is helpful if the parties have started negotiations and exchanged at least one settlement demand and offer. The adjuster and/or supervisor must be available for the mediations.

**REQUESTS/MISCELLANEOUS**

**1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?**

Requests for continuances and extensions must be made, and will be decided, in accordance with Rule 131.13 and Rule 131.12, respectively. I am willing to accommodate requests for changes in hearing times if the schedule permits.

**2. Under what circumstances do you conduct off the record conference calls?**

Conference calls will be considered on a case by case basis.



**3. Under what conditions/circumstances do you accept e-mails from parties?**

I will permit e-mail correspondence in limited circumstances provided all parties are copied to discuss administrative or scheduling issues. Otherwise, the parties should request a telephone conference or hearing.

**4. Do you adhere strictly to the duration listed for a Hearing or Mediation?**

Yes.

**5. What is the best way to contact you in an emergency situation?**

E-mails will be permitted to either my assistant or myself for emergencies.

**6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?**

In case of inclement weather, check WCAIS to see if the event will be converted from an in person event to a virtual event. Virtual events will remain as scheduled. It is imperative that the parties check WCAIS and/or their emails for the latest updates during inclement weather. Non-weather related emergency cancellations will be addressed on a case by case basis. The WCAIS Dashboard is the best source for such information.